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**FAX**

Date February 21, 2006

To Examiner Jeffery A. BRIER

Of PTO Group Art Unit 2672

Fax 571-273-8300

From Bhaskar Kakarla

Subject Submission of Appeal Brief and Appeal Brief

Our Ref Q65899                      Appln No 09/933,017

Conf No 6073                      Inventors Toru MURATA

Pages 27 (including cover sheet)

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Respectfully submitted,

Dawne Blanche

FEB 21 2006

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q65899

Toru MURATA

Appln. No.: 09/933,017

Group Art Unit: 2672

Confirmation No.: 6073

Examiner: Jeffery A. BRIER

Filed: August 21, 2001

For: ELECTRONIC PRESENTATION SYSTEM

**SUBMISSION OF APPEAL BRIEF**

**MAIL STOP APPEAL BRIEF - PATENTS**

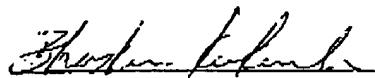
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P.O. Box 1450  
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**FEB 21 2006**

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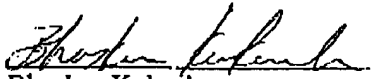
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**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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**Attorney Docket No.: Q65899**

**I. REAL PARTY IN INTEREST**

The real party in interest is NEC Viewtechnology, Ltd., the assignee of the present application. The assignment was recorded on August 21, 2001, at reel 012105, frame 0936.

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**II. RELATED APPEALS AND INTERFERENCES**

Appellant, Appellant's legal representatives, and the assignee in this application are not aware of any other pending appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the instant appeal.

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**III. STATUS OF CLAIMS**

Claims 1-12 are all of the claims currently pending in the present application, and currently each of these claims stand rejected by the Examiner in the Final Office Action (Paper No. 20050908) dated September 20, 2005, which is the subject of this appeal.

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**IV. STATUS OF AMENDMENTS**

There are no outstanding, non-entered amendments of the claims.



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**V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The present invention relates to an electronic presentation system that makes presentations using a computer, e.g., a personal computer (PC), and an image projection means. (Specification at page 1, lines 6-9.) An object of the invention is to provide a presentation system in which the computer with the presentation software is located remotely, e.g., an office room, from the projection processing part, e.g., a projector, which may be in a meeting room. (Specification at page 3, lines 17-22.)

One embodiment of the invention provides for an electronic presentation system comprising an Ethernet communication means (4, Fig. 1, Specification at page 7, lines 21-22). The system also comprises a first image and voice display means (3 and 38, Fig. 1, Specification at page 5, lines 21-26, and at page 12, lines 2-5) that is connected to the Ethernet communication means (4, Fig. 1) in which display control and communication control (REMOTE CONTROL DATA PACKET, Fig. 1, Specification at page 5, line 27 to page 6, line 11) through the Ethernet communication means (4, Fig. 1) are controlled by a remote control means (37, Fig. 1, Specification at page 5, line 27, to page 7, line 20). The system comprises a personal computer (2, Fig. 1) provided with a second image and voice display means (13, Fig. 1, Specification at page 5, lines 18-21, and at page 12, lines 2-5) connected to the Ethernet communication means and different from said first image and voice display means placed in a position different from the position placing said first image and voice display means (Specification at page 5, lines 18-22, Fig. 1), and an input means (23 and/or 11, Fig. 1, Specification at page 6, lines 21-25).

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The remote control means (37, Fig. 1) captures the display contents (IMAGE PACKET DATA, Fig. 1, Specification at page 6, line 25 to page 7, line 9) displayed by the personal computer (2, Fig. 1) on the second image and voice display means (13, Fig. 1) to display the captured display contents (IMAGE PACKET DATA, Fig. 1) on the first image and voice display means (3 and 38, Fig. 1) at the same time (Specification at page 6, line 27, to page 7, line 20). The Ethernet communication means (4, Fig. 1) is used to transfer the display contents (IMAGE PACKET DATA, Fig. 1), the display control and the communication control (REMOTE CONTROL DATA PACKET, Fig. 1).

A non-limiting example of the Ethernet communication means may be found at least at page 7, lines 21-23, and is illustrated in Fig. 4 as communications line 4. A non-limiting example of the remote control means may be an infrared remote control transmitter (Specification at page 5, lines 27-28, illustrated in Fig. 1 as remote control transmitter 37). A non-limiting example of the first image and voice display means may be a projector, which includes a projector processing part 38 and presentation unit 3 (Specification at page 5, lines 25-26, and at page 12, lines 2-5, Fig. 1). A non-limiting example of the second image and voice display means may be a CRT or a LCD (Specification at page 7, lines 1-2, and at page 12, lines 2-5, illustrated as display 13 in Fig. 1). A non-limiting example of an input means may be a keyboard 11 or data conversion part 23 (Specification at page 6, lines 21-25, Fig. 1).

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**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

I. Whether claims 1-12 are unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Miyashita (US 5,782,548) ["Miyashita"] in view of Yasukawa (US 6,437,786) ["Yasukawa"].

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## **VII. ARGUMENT**

### **1. Miyashita in view of Yasukawa**

#### **A. Claims 1 and 7**

Claim 1 recites an electronic presentation system where “display contents displayed by said personal computer on said second image and voice display means to display said captured display contents on said first image and voice display means at the same time, and wherein said Ethernet communication means is used to transfer said display contents, said display control and said communication control.” The Examiner concedes that Miyashita does not disclose the claimed transfer through an Ethernet communication means, but applies Yasukawa to allegedly cure the deficiency.

The Examiner contends that one skilled in the art would have modified the RS-232C interface system of Miyashita with an Ethernet system for the following reasons.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Miyashita's projector and PC for use in an Ethernet network because an Ethernet network is faster than an RS-232, see the above discussion of RS232 and Ethernet. **This will ensure the delivery of images from the PC to the projector during the presentation with less delay of the delivery of the images which will cause less perceptible delay by the audience when the presenter changes the displayed image.** One of ordinary skill in the art would select Ethernet over RS-232 to ensure a good presentation occurs.

It also would have been obvious to one of ordinary skill in the art in view of Yasukawa to transmit the image data on the Ethernet lines since this would reduce the need for additional cables to carry the video signals. This modification would save natural resources, save installation time of a new network, allow the use of an

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exisitng [sic] Ethernet network, and save money. (emphasis added.)

(Final Office Action (Paper No. 20050908) at pages 11-12.)

Appellant respectfully disagrees with the Examiner's contentions that it would have been obvious for one skilled in the art to combine the teachings of Miyashita and Yasukawa and that the combined teachings would produce the claimed invention.

In addition, Applicants submit that the Examiner has misinterpreted the teachings of Miyashita in contending that the video signals are transmitted over the serial RS-232C transmission line 50.

Miyashita, at most, discloses that the serial RS-232C transmission line 50 is for transmission of digital data such as the operation signals from the remote controller 20. (Col. 8, lines 10-13 and col. 9, lines 53-55.) Miyashita discloses that video signals sent to the projector are through a video source terminal, which receives video signals from a computer. (Col. 7, lines 4-12.) Because video signal are typically analog, Appellant submits that Miyashita discloses at least two connections to the computer (RS-232C and video).

Accordingly, even after substituting the RS-232C connection with an Ethernet connection, the Ethernet still would not transfer both the operating data from the remote control 20 and the video signal. Therefore, Miyashita in view of Yasukawa still would not disclose or suggest that the "Ethernet communication means is used to transfer said display contents, said display control and said communication control" as set forth in claim 1.

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In response, the Examiner contends the following:

The arguments ... are not persuasive to overcome the Miyashita and Yasukawa references because 1) Miyashita does not explicitly state the means by which the image data is transmitted from the personal computer 40 to projector 10 and 2) Yasukawa teaches transmitting the image data via an Ethernet network. Miyashita at column 7 lines 1-12 and column 12 lines 13-21 describes supplying a video signal to the projector 10 and in figures 4 and 5 only one communication path is illustrated as connecting the personal computer 40 to projector 10 while figure 6 illustrates a projector control signal line and a video signal line. **Thus, either Miyashita teaches using one communication line for transmitting both the control and video signals or at least suggests to one of ordinary skill in the art to use one communication line for transmitting both the control and video signals.** Yasukawa teaches transmitting both the control and video signals across one communication line is known and thus teaches such a transmission scheme is desirable. It would have been obvious to one of ordinary skill in the art in view of Yasukawa to transmit the image data on the Ethernet lines since this would reduce the need for additional cables to carry the video signals. This modification would save natural resources, save installation time of a new network, allow the use of an existing Ethernet network, and save money. (emphasis added.)

(Final Office Action (Paper No. 20050908) at page 2.)

Appellant submits that the Examiner's contention that Miyashita's disclosure at col. 7, lines 1-12, and col. 12, lines 13-21, and Figs. 4-6 teach that video signals and control signals to projector 10 are transmitted through a common line is incorrect.

For example, the Examiner's reliance on Figs. 4-6 to show only one connection is clearly misplaced. Miyashita discloses that "FIG. 4 is an abbreviated descriptive drawing of an example of a video projection system according to this invention comprising a remote controller liquid crystal projector and personal computer; FIG. 5 is a functional block diagram of the system

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shown in FIG. 4; [and] FIG. 6 is a functional block diagram of main components of the system shown in FIG. 5..." (Col. 6, lines 27-35, emphasis added.) Since Miyashita clearly discloses that the drawings are incomplete, Appellant submits that it is improper for the Examiner to conclude that serial (RS-232C) transmission line 50 in Figs. 4 and 5 is for both the video and control signals merely because no other communication line is illustrated. In fact, Fig. 6 illustrates an input line from projector 10 and a separate video line to the projector (see also col. 12, lines 13-22). Accordingly, Fig. 6 contradicts the Examiner's contention that one communication line is used for both video and control.

Further, Miyashita discloses the following:

The liquid crystal projector 10 is constructed so as to enable connecting a plurality of video sources to the terminals thereof.

In the case of the present embodiment, two video sources can be connected. A first video source terminal allows connecting a video signal supplied from a computer, and a second video source terminal allows connecting a video playback device such as a video deck, video camera and video disk player. By selecting the video source, the video signal from the computer and video playback device can be selected is and projected as a large size picture on the screen 16.

(Miyashita at col. 6, line 67, to col. 7, line 12, emphasis added.)

As is evident from the above disclosure, the projector 10 of this embodiment is constructed to have inputs from two video sources. One video signal is designed to be supplied from a computer and the other from a playback device such as a video camera. There is no designation of reference numeral 50 that designates the serial RS-232C transmission line

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connection for either video connection even though Miyashita identifies the liquid crystal projector with the reference numeral 10 and the screen with the reference numeral 16.

Miyashita also discloses that the serial transmission line 50 is for "[o]perational signals [that are] transmitted wirelessly using infrared light 200 from the remote controller 20 [and] directed toward the projector 10 ...." (Col. 9, lines 22-25, Fig. 5.) In addition, Miyashita discloses that "[t]he liquid crystal projector 10 and personal computer 40 mainframe 42 are connected via a serial transmission line 50 (RS-232C) for serial transmission of digital data." (Col. 8, lines 10-13, emphasis added.) However, there is also no disclosure or suggestion that the video signals are digital or that the video signals are transmitted by the serial RS-232C transmission line 50.

Accordingly, Appellant submits that the teachings of Miyashita contradict the Examiner's contention that there is only one communication path for both the video signal and the control signal to the projector. Moreover, although Miyashita may not explicitly state that the video signals are analog, Appellant submits Miyashita clearly teaches that the video signals and operation (control) signals are transmitted separately.

Because the Examiner's proffered motivation to combine is premised entirely on an assumption that image data are sent by the computer 40 to the projector 10 through the serial RS-232C transmission line, and because this assumption is without support in the prior art for at least the reasons given above, Appellant submits that the Examiner has failed to make a *prima facie* case of obviousness.



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In addition, Appellant submits that one skilled in the art would clearly recognize that the system in Miyashita does not send its video signals over the serial RS-232C transmission line for at least the reasons given above. Therefore, the Examiner's contention that Figs. 4 and 5, which illustrate one communication path, would suggest "to one of ordinary skill in the art to use one communication line for transmitting both the control and video signals" is also not supported.

Further, Appellant submits that it is obvious that the Examiner is merely attempting to identify claim elements in the prior art and providing *ad hoc* reasons to combine.

However, our case law is clear in that, mere "identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000). In addition, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP at 2100-137, See also *In re Mills*, 916 F.2d 680, 682, 16 USPQ2d 1430, 1432 (Fed. Cir. 1990) ("While [an] apparatus may be capable of being modified ... [as] claimed, there must be a suggestion or motivation in the reference to do so.").

Here, the Examiner's proffered reasons for combining are not supported by the prior art. Although an Ethernet connection may be faster than a serial RS-232C transmission, the Examiner's proffered reason that the Ethernet will ensure less delay in the delivery of the images and will cause less perceptible delay by the audience is simply not supported in Miyashita and is technically inaccurate. Miyashita discloses that a system configured with the RS-232C system

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will allow for adjustments to projector 10 and for control functions such as page advance and reverse “without interrupting the presentation.” (Col. 8, lines 14-22.) Accordingly, Appellant submits that there is no support in Miyashita, the primary reference, that a faster connection for transmitting operational data would improve image presentation on the system in Miyashita in any way that would be perceptible by the audience.

In addition, as stated above, the video signals are transmitted through a separate video interface. According, using an Ethernet connection to transmit video signals, as suggested by the Examiner, would be slower since the Ethernet connection would be slower than the video interface of Miyashita.

Therefore, Appellant submits that the conclusory statements of the Examiner that substituting the RS-232C line with an Ethernet line would cause “less perceptible delay by the audience” and “would save natural resources, save installation time of a new network, [and] allow the use of an existing [sic] Ethernet network” are not objective reasons to combine since they are not supported by the prior art. The Examiner’s contentions are also technically inaccurate with respect to at least the Ethernet line causing a “less perceptible delay by the audience.” Accordingly, Appellant submits that the Examiner’s conclusory statements do not provide evidence in the record as required by *Zurko*. See *In re Zurko*, 59 USPQ2d 1693 (Fed Cir. 2001).

Finally, Appellant submits the concept behind the image data transfer over the LAN connection in Yasukawa is different than the video signal of Miyashita. Yasukawa discloses that

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image data are transferred from a server to the projector. Although not explicitly stated, it is obvious that the image data are previously stored since the server uses File Transfer Protocol (FTP) to transfer the image data from a HTTP Web server with image data. (Col. 9, lines 24-63.) There is no disclosure or suggestion that images that are currently displayed by the server are transferred to the projector.

In contrast, the video signals of Miyashita send the currently displayed image at the computer monitor to the projector. (Col. 1, lines 17-20.) Therefore, even if the serial RS-232C transmission line 50 was modified into an Ethernet connection, there is still no disclosure or suggestion in Yasukawa and Miyashita (taken alone or in combination) on how to transfer the currently displayed image of Miyashita over an Ethernet line. Accordingly, the teachings of Yasukawa and Miyashita (taken alone or in combination) would not disclose or suggest the claimed Ethernet communication means that is used to transfer the claimed display contents as set forth in claim 1.

Because claim 7 recites language analogous to that given in claim 1 but in non-means plus function language, Appellant submits that claim 7 is patentable for at least reasons similar to those given above with respect to claim 1.

**B. Claims 2-6 and 8-12**

Appellant submits that claims 2-6 and 8-12 are patentable at least by virtue of their respective dependencies.

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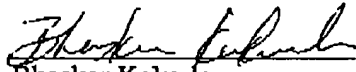
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**CLAIMS APPENDIX**

**CLAIMS 1-12 ON APPEAL:**

1. An electronic presentation system comprising:

Ethernet communication means;

a first image and voice display means connected to said Ethernet communication means in which display control and communication control through said Ethernet communication means are controlled by remote control means; and

a personal computer provided with a second image and voice display means connected to said Ethernet communication means and different from said first image and voice display means placed in a position different from the position placing said first image and voice display means, and input means;

wherein said remote control means captures display contents displayed by said personal computer on said second image and voice display means to display said captured display contents on said first image and voice display means at the same time, and

wherein said Ethernet communication means is used to transfer said display contents, said display control and said communication control.

2. The electronic presentation system according to claim 1, wherein said remote control means comprises a remote control transmitter sending a sending signal of a code corresponding to a depressed button and means for converting said sending signal of said remote

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control transmitter to a communication signal of said Ethernet communication means and sending the communication signal;

wherein said personal computer comprises means for converting said sending signal of said remote control transmitter sent through said Ethernet communication means to a signal equivalent to an output signal of the input means provided in said personal computer, means for selecting previously created display contents to be displayed as said display contents on said second image and voice display means, by said converted signal equivalent to the output signal of said input means, and means for converting a display signal of said selected display contents displayed on said second image and voice display means to a communication signal of said Ethernet communication means at the same time and sending the communication signal using said Ethernet communication means;

wherein said remote control means further comprises means for sending the display signal of said second image and voice display means sent through said Ethernet communication means to said first image and voice display means.

3. The electronic presentation system according to claim 2, wherein the selection of the previously created display contents displayed on said second image and voice display means, done by the signal equivalent to said converted output signal of said input means is executed by basic software installed in said personal computer and application software operated under said basic software and used to previously create said display contents.

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4. The electronic presentation system according to claim 2, wherein said Ethernet communication means is a wired communication system.

5. The electronic presentation system according to claim 2, wherein said Ethernet communication means is a wireless communication system.

6. The electronic presentation system according to claim 1, wherein said personal computer provided with a second image and voice display means is remotely connected.

7. An electronic presentation system comprising:  
an Ethernet communications network;  
a remote control device;  
a first image and voice display device connected to said communications network in which display control and communications control transmitted via said Ethernet communications network are controlled by said remote control device; and  
a personal computer provided with a second image and voice display device,  
wherein said personal computer is connected to said Ethernet communications network,  
and  
wherein said remote control device captures display contents on said personal computer to be displayed on said first image and voice display device and said second image and voice display device, and

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wherein said Ethernet communications network is used to transfer said display contents, said display control and said communications control.

8. The electronic presentation system according to claim 7, wherein said personal computer provided with a second image and voice display device is remotely connected.

9. The electronic presentation system according to claim 7, wherein said remote control device comprises a remote control transmitter, remote control signal reception unit connected to said Ethernet communications network and said personal computer with presentation software connected to said Ethernet communications network;

wherein said remote control transmitter sends a signal of a code corresponding to a depressed button on said remote control transmitter to said remote control signal reception unit which then transmits said code via said Ethernet communications network;

wherein said personal computer with presentation software converts said code of said remote control signal reception unit sent through said Ethernet communications network to a signal equivalent to an output signal of an input device or devices provided in said personal computer, selects previously created display contents to be displayed as said display contents on said second image and voice display device by said converted signal equivalent to the output signal of said input device or devices, converts said selected display contents displayed on said second image and voice display device to a communication signal of said Ethernet



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communications network and sends said communication signal via said Ethernet  
communications network to said first image and voice display device.

10. The electronic presentation system according to claim 9, wherein the selection of the previously created display contents displayed on said second image and voice display device done by the signal equivalent to said converted output signal of said input device or devices is executed by basic software installed in said personal computer and application software operated under said basic software and used to previously create said display contents.

11. The electronic presentation system according to claim 9, wherein said Ethernet communications network is a wired communication system.

12. The electronic presentation system according to claim 9, wherein said Ethernet communications network is a wireless communication system.

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**  
**U.S. Serial No. 09/933,017**

**Attorney Docket No.: Q65899**

**EVIDENCE APPENDIX:**

NONE

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**  
**U.S. Serial No. 09/933,017**

**Attorney Docket No.: Q65899**

**RELATED PROCEEDINGS APPENDIX**

NONE